

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SYLVESTER SANFORD TATUM,

Case No. 2:14-cv-01280-JCM-GWF

Petitioner,

ORDER

v.

D.W. NEVEN, et al.,

Respondents.

This *pro se* habeas matter under 28 U.S.C. § 2254 comes before the court on petitioner Sylvester Sanford Tatum's motion for extension of time (ECF No. 22). On February 2, 2016, the court granted respondents' motion to dismiss in part, concluding that several grounds in the petition were unexhausted (ECF No. 21). Tatum now seeks an extension of time to make his election regarding his unexhausted grounds pursuant to *Rhines v. Webber* (ECF No. 22). Good cause appearing, Tatum's motion is granted.

Tatum's motion indicates potential confusion regarding what he needs to file at this point in the proceedings. The court advises Tatum to carefully review its order granting the motion to dismiss, wherein it states that Tatum should file one of three things: (1) a response indicating that he wishes to abandon his unexhausted claims; (2) a response indicating that he wishes this federal petition dismissed without prejudice in order to return to state court to exhaust his claims; or (3) a motion to stay and abey this petition while he returns to state court to exhaust his claims (see ECF No. 21, pp. 8-10).

DATED: March 4, 2016.

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